



be correct, fees awarded from blocked funds may not be recoverable, thus causing harm that could be said to be irreparable. See Rodriguez v. DeBuono, 175 F.3d 227, 234 (2d Cir. 1998).

Respondents argue that allowing the Government to intervene after entry of judgment would cause them to suffer unfair prejudice, as the Government has known my interpretation of TRIA since July 29, 2008, but did not move to intervene until entry of the attorneys' fees order about eight months later. See Fed. R. Civ. P. 24 (requiring motion to intervene to be "timely"); Farmland Dairies v. Comm'r of N.Y. State Dep't of Agric. & Mkts., 847 F.2d 1038, 1044 (2d Cir. 1988) (noting potential of post-judgment intervention to prejudice parties). However, the Government has not kept silent, but rather participated throughout these proceedings, pursuant to 28 U.S.C. § 517, and stated its position on the instant question, at my invitation, on March 31, 2009. Respondents have made no convincing showing that either the fact or the timing of the Government's intervention will cause them to suffer any prejudice beyond the burden of opposing the Government's argument.


Accordingly, I grant the Government's motion to intervene in this action for purposes of appeal, and stay the effectiveness of the April 14, 2009 Judgment and Order Awarding Attorneys' Fees and Costs to Respondents for thirty days, plus such further time as the Court of Appeals may order.

This order does not affect the April 14, 2009 Judgment and Order Directing Turnover of Funds to Petitioners and Discharge of Respondents.

The Clerk shall mark the motion (Doc. #218) as terminated.

SO ORDERED.

Dated: May 19, 2009  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge